

IN THE COURT OF LD Sessions Judge in charge, NORTH 24 PARGANAS.

Present: **Sri Parag Neogi (WB-00957)**

Sessions Judge in charge, North 24 Parganas

Criminal Misc. Case No.1314 of 2026

Esharul Mondal V/s The state.

Order no. 02 dated 02.06.2026:

The application for bail under section 483 of B.N.S.S. filed on behalf of the accused petitioner namely **Esharul Mondal** in connection with Deganga P.S Case no.243 of 2026 dated 26.04.2026 under section 329(4)/64/115(2)/351(2) of B.N.S is taken up for hearing.

L.C.R received. C.D is also produced.

Heard the learned advocate for the petitioner accused and the learned P.P In-charge.

Learned Advocate for the petitioner submits that the petitioner was implicated falsely in this case and, drawing attention of the Court to the series of the incidents beginning from 13.10.2025 till 26.04.2026, as narrated in the written complaint, further submits that in the entire F.I.R, there is no element of section 64 of B.N.S and yet the present petitioner has been languishing in custody since 27.04.2026. Ld. Advocate for the petitioner indicates that the conduct of the defacto complainant itself reflects that she was constantly and voluntarily engaging with this petitioner and only filed the complaint since the alleged incident was happened in the residential house of the complainant and the alleged acts were consensual in nature and the victim lady is married and no complaint was lodged before any forum within one year except the present F.I.R. Accordingly, there is no need for further detention of the petitioner. Hence, he prays for grant of bail of the accused petitioner on any terms and conditions as this Court thinks it fit and proper.

Ld. P.P in charge raises objection, placing the materials in the C.D including the statements recorded both under Section 180 of B.N.S.S.S and 183 of B.N.S.S and medical examination report. He also submits that the petitioner threatened the defacto complainant that if she would elicit what happened with her and if she would not keep such illegal relationship with him, the said photographs shall be published in social media as well as to her husband and he also assaulted her husband by exposing such photographs.

Perused the materials in the C.D. Considered.

Materials on C.D specifically the statement of the victim recorded under Section 183 of B.N.S.S and the medical examination report of the victim prima-facie support the contention of the victim mentioned in the written complaint. Moreover, on 14.05.2026, the bail petition of the present accused was rejected by this Court. There was no further development wherefrom it shows that custodial detention of the present accused is no more required.

Considering the gravity of the offence and the materials on C.D, the prayer for bail is rejected.

Return the L.C.R along with a copy of this order to the concerned Court for information and necessary action.

C.D be returned. The instant C.M.C is disposed of.

Dictated & corrected by me.

**Sri Parag Neogi,
Sessions Judge in charge,
North 24 Parganas.**

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